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### MINUTES

Name of Organization: Nevada Commission on Autism Spectrum Disorders  
Resource Development Subcommittee

Date and Time of Meeting: September 13, 2016  
12:00 p.m.

Carson City: Aging and Disability Service Division  
3310 Goni Rd., Ste. H  
Carson City, NV 89706

#### I. Call to Order/Roll Call

Dr. Jan Marson called the meeting for the Resource Development Subcommittee to order at 12:02 p.m.

Members Present: Jan Marson, Brook Adie, Stephanie Myers, Jamie Johnson, Sarah Dean

Members Absent: Lynda Tache, Wes Haynes

Guests: Steven Cohen, Lori Follett, Marnie Lancz, Julie Stanley

Staff Present: Carol Reitz

A quorum was declared.

#### II. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item)

There was no public comment.

#### III. Approval of the Minutes from the August 23, 2016 Meeting

*Nevada Department of Health and Human Services  
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Ms. Dean made a motion to accept the minutes as they were written.  
Ms. Myers seconded the motion. The motion passed.

#### IV. Update and Make Recommendations on the Autism Commission Meeting

Ms. Dean reported to the Subcommittee that she had presented the information to the Autism Commission on allowing providers into the school district to provide services. She had spoken to a couple of special education directors from different school districts who stated they were concerned about what problem they were trying to help fix. She said it was allowing those providers in to the schools address adverse behaviors. She suggested allowing the providers in prior to the adverse behaviors occurring so that they are more proactive rather than reactive. She felt the school districts would be more supportive to assist or collaborate especially during early intervention so that in the long run they would need some of the interventions since they received them early on.

The Autism Commission had suggested drafting a letter that they can support that can be added to the letter that Ms. Jan Crandy had drafted. Ms. Dean also told the Autism Commission that they didn't want to force the school districts' hands but rather collaborate with them.

Ms. Johnson asked if they had access to the letter that was written by Ms. Crandy. Ms. Reitz said she would email the letter to everyone at the meeting and post it to the Website. The letter will be attached to the minutes.

Dr. Marson said she had listened to the health and human services legislative session that talked about not taking legislative action but rather writing letters in support of actions to the Department of Education.

Ms. Adie said the letter that Ms. Crandy wrote was in response to the request by the Legislative Committee on Health Care. She stated the idea was for the Autism Commission to also draft a letter that recommends the school districts do the same things. Ms. Adie reported during the Autism Commission meeting, Ms. Crandy had warned of using language such as "collaborate," since it then gets into being compliant with certain laws.

Ms. Dean said the school districts are responsible for the minutes that the students are in school, so if an outside provider is allowed to come in then they are still responsible for those goals. Ms. Adie said she mentioned allowing the IEP (Individualized Education Plan) to show that the child is receiving in-home therapy, that they can leave school and not be counted as truant since that has been an issue.

Dr. Marson asked how the response was for allowing providers into the early childhood programs that the children were in for a short amount of time. Ms. Dean said the school districts told her it was something they would consider looking at since they wouldn't be taking away any time from the IEP goals but rather adding supports for them.

Dr. Marson asked if they can include occupational and speech therapists within the letter to allow them in the school district. Ms. Adie said she agreed with



Dr. Marson but they needed to stay focused on ABA (Applied Behavior Analysis) as a gateway in hopes that it'll open doors to allow other therapies later on.

In reviewing the letter written by Ms. Crandy, Ms. Adie pointed out that it focuses on the medical necessity aspect because the schools may view that differently. Dr. Marson asked Ms. Follett to talk about how Medicaid views medical necessity. Ms. Follett said she would look into the language. Ms. Adie told the Subcommittee that the Medicaid manual states that the services can take place in the schools. She said the focus is on schools and not taking responsibility off the other funding source but allowing the schools to have access.

Ms. Johnson said she agrees with the letter since it is stressful on parents to have to pull their child out of school to receive services. Dr. Marson asked if it was opening the door to allow students to miss hours of academic instruction. Ms. Adie said academic learning cannot take place if a child's behaviors are so severe that it is disrupting that child's learning as well as others'. Ms. Stanley agreed.

Ms. Dean said the school districts contract with their own BCBAs (Board Certified Behavior Analysts) that conduct FBAs (Functional Behavior Assessments) and write behavior plans. The problem that occurs is that many teachers do not know how to implement the behavior plans.

#### IV. Develop Logic Model for Resource Development Goals and Objectives (For Possible Action)

The Subcommittee decided to draft a letter from the contents of Ms. Crandy's letter that is attached to the minutes that can be presented to the Autism Commission. The points of the letter were reviewed as Ms. Adie pulled the information together.

A: Ms. Dean said they do not break out the number of minutes that ABA is worked on in the classroom as mentioned in Point A. Ms. Adie said that point is meant to target the data and specify the number of hours a child needs of ABA therapy both at home and at school so that they have a consistent staff across all environments. Ms. Adie said she would reword it so that point is expanded upon.

Ms. Johnson said for medical necessity, it is always about the least restrictive environment. She said the Medicaid service manual states the recipient should remain in a community-based setting when that setting is safe.

B: They agreed to include the contents of this point and reference the BCAB (Behavior Analyst Certification Board) Website.

C: Dr. Marson asked what "require collaboration" meant. Ms. Adie said not all schools allow the BCBA to be a part of the IEP and this would allow them to be a part of the IEP process to ensure continuity. Ms. Stanley said the parents are allowed to bring in who they want and there is a spot on the notice of the IEP to write that in. Ms. Adie said what is meant by that point is allowing the opinion of the BCBA into the IEP. Dr. Marson suggested having a process that allows BCBAs to be a part of the IEP as long as the parent agrees.

D: Dr. Marson asked school personnel what their thoughts were on that point. Ms. Dean said if they miss 18 or more school days, the school district may consider retention. Ms. Stanley

said it is only if they were considered unexcused. Ms. Dean said there are students that only attend school for half a day so they are considered half-day students.

E: This point was discussed previously.

F: Dr. Marson asked their thoughts on this point. Ms. Johnson said all licensed professionals are required to pass a background check. Ms. Adie said the State still requires their contracted BCBAs to pass a specific background check. They agreed they would encourage them to create a workgroup to iron out the details of the requirements such as liability insurance and background checks.

Ms. Dean confirmed that they will be sending a letter that is expanding upon and agreeing with the suggestions that were made by Ms. Crandy. They will also be asking that a special committee be formed with the school districts, State personnel, and Department of Ed to establish a state policy that allows the IEP to include ABA services.

V. Confirm Dates for Future Meetings

The Subcommittee decided to meet on Wednesday, September 21st at 12:00 p.m.

VI. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item)

There was no public comment.

VII. Adjournment

Dr. Marson adjourned the meeting at 1:15 p.m.



8/24/2016

Chairman Oscarson and committee members,

I am extremely grateful and applaud all of the committee's recommendations to improve access for those with autism. I believe they will make a difference.

However, I did receive some concern and was asked if there could be some language changes to insure clarification on number 17.

Our goal is to improve collaboration and access. Access, which will when combined with the student's Free Appropriate Public Education (FAPE) and medically necessary levels of treatment, will ameliorate autism symptoms. We do not want to do anything to cause harm with the current access to ABA. Only to remove barriers which impede access to care. The purpose is not to lessen the schools or the insurance's responsibility.

Please see minor recommended changes. Thank you for your consideration.

17. Collaboration Between School and Out-of-School ABA Services

— Send a letter to the Superintendent of Public Instruction urging Nevada's Department of Education to develop a clear and consistent State policy, with guidance to school districts, for students with an Individualized Education Program (IEP) who require Applied Behavior Analysis (ABA) therapy. In developing the policy, the Department should consider:

- a. Whether an IEP should be required to specify the number of weekly ABA hours needed by the student, with a distinction between the hours to be provided in school and out of school;
- b. Specifying the credentials required of an ABA professional who assists in determining the total weekly ABA hours needed by the student;
- c. Require **collaboration** for ABA services ~~provided in school and out of school be coordinated to~~ maximize their effectiveness and to ensure continuity of service across environments;
- d. Require, **the school to support access to ABA by endorsing the following or similar language to be included in the IEP. if out of school ABA services are deemed necessary for a student, that the IEP specify the number of required hours as an educational goal so that the student is not considered truant while receiving those services; "The IEP recognizes the student's need to receive medical necessary treatment, which may impact full-time school attendance. An adjusted schedule is supported to allow student to receive treatment. Treatment, which may occur in and/or outside of the school environment without incurring truancy."**
- e. Requiring the school to encourage a parent, through written communication from the school, to invite the student's outside ABA professional(s) to participate in relevant IEP meetings;
- f. Allowing a student's out-of-school **ABA Professional** (i.e. BCBAs, **Licensed Psychologists**) (who ~~is~~ **are** funded by private insurance, Medicaid, or ATAP and who passes appropriate background checks) to observe the student in the school environment quarterly and/or allowing such a provider to support the student during the school day if the student's behavior impedes learning or if the student's history includes elopement, suspension, or aggression.

All professionals (Psychologists, BCBAs, BCaBAs, RBTs) who treat autism and are funded by private insurance, Medicaid or ATAP are currently required to pass background checks as part of the credentialing process.

With hope and gratitude,  
Jan Crandy

